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FAX COVER SHEET

Date: December 28, 2004	Phone Number	Fax Number
To: Examiner Chante Harrison		(703) 872-9306
From: Kevin J. Zilka		

Docket No.: NVDP053/P000328

App. No: 09/944,988

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

Message:

Please deliver to Examiner Harrison.

Thank you;

Kevin J. Zilka

☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

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December 28, 2004

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Practitioner's Docket No. NVIDP053/P000328

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cass W. Everitt et al.

Application No.: 09/944,988

Group No.: 2672

Filed: August 31, 2001

Examiner: Harrison, C.

For: ORDER-INDEPENDENT TRANSPARENCY RENDERING SYSTEM AND METHOD

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed June 30, 2004, finally rejecting claims 1-9, 11-12, and 29.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. " 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

_ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

_ with sufficient postage as first class mail.

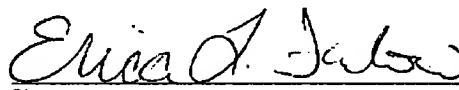
37 C.F.R. § 1.10*

_ as "Express Mail Post Office to Addressee"

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TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (703) 872-9306.

Date: 12/28/2004
SignatureErica L. Farlow
(type or print name of person certifying)

* Only the date of filing (" 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under " 1.8 continues to be taken into account in determining timeliness. See " 1.703(j). Consider "Express Mail Post Office to Addressee" (" 1.10) or facsimile transmission (" 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board--page 1 of 2

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Appeal Brief is:

Other than a small entity \$500.00

Notice of Appeal fee due \$500.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for three months:

Fee \$1,020.00

If an additional extension of time is required, please consider this a petition therefor.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$500.00

Extension fee \$1,020.00

TOTAL FEE DUE \$1,520.00

5. FEE PAYMENT

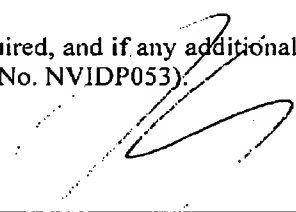
Authorization is hereby made to charge the amount of \$1,520.00 to Deposit Account No. 50-1351 (Order No. NVIDP053).

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NVIDP053).

Reg. No.: 41,429
Tel. No.: 408-971-2573
Customer No.: 28875



Signature of Practitioner
Kevin J. Zilka
Zilka-Korab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

Notice of Appeal from the Primary Examiner to Board--page 2 of 2

COPY
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Date:

12/28/2004

Signature



Erica L. Farlow

(type or print name of person certifying)

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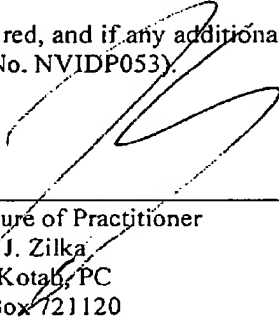
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Signature of Practitioner
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